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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/611,596
Filing Date: June 30, 2003
Appellant(s): ROVER ET AL.

Philip A Pedigo (52107)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 21, 2008 appealing from the Office action mailed July 25, 2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7188160	Champagne et al	3-2007
6697360	Gai et al	2-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-19,39-43 rejected under 35 U.S.C. 102(e) as being anticipated by Champagne et al (US Patent No 7,188,160).**

3. In reference to claim 1, Champagne teaches a method comprising:

receiving a description of a network component (column 4 lines 12,13,49,50, Champagne discloses saving configuration information of a network device); and

placing at least a portion of the received description into one of a plurality of sections of an electronic list of network components (column 6 lines 41-45, Champagne discloses the configuration information is included in a list that has a plurality of sections of elements), each of the plurality of sections having a standard format (column 5 lines 44-47 and column 6 lines 38-41, Champagne discloses the list is in a standard XML format defined by DTD)

wherein each of the plurality of sections corresponds to a capability of a network component (column 6 lines 38-67, Champagne discloses the section of elements corresponding to configurations (i.e. capabilities) of the device), and further wherein the electronic list of network components includes

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a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”),

a non-dynamic network device section to contain a description of one or more network components having a static IP address (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT static tunnel (ingress-tunnel, egress-tunnel)>”), and

a power management section to contain a description of one or more power management modules to programmatically apply to a network component (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT chassis...>”).

4. In reference to claim 2, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a dynamic network device; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a dynamic network device section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”).

5. In reference to claim 3, Champagne teaches the method of claim 2, wherein the dynamic network device section includes a dynamic network device section element to describe a dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>” which are dynamic).

6. In reference to claim 4, Champagne teaches the method of claim 3, wherein the dynamic network device section element includes a data element to describe a network interface of the

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dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”).

7. In reference to claim 5, Champagne teaches the method of claim 4, wherein the data element includes an information element to store a Media Access Control (MAC) address of the network interface of the dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”, VLANs inherently include the use of MAC addressing).

8. In reference to claim 6, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a non-dynamic network device; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a non-dynamic network device section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT static tunnel (ingress-tunnel, egress-tunnel)>”).

9. In reference to claim 7, Champagne teaches the method of claim 6, wherein the non-dynamic network device section includes a non-dynamic network device section element to describe a non-dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT static tunnel (ingress-tunnel, egress-tunnel)>”).

10. In reference to claim 8, Champagne teaches the method of claim 7, wherein the non-dynamic network device section element includes a data element to store IP address information associated with the non-dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT static tunnel (ingress-tunnel, egress-tunnel)>”, static tunnels inherently include static IP addresses).

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11. In reference to claim 9, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a power management device; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a power management device section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT chassis...>”).

12. In reference to claim 10, Champagne teaches the method of claim 9, wherein the power management device section includes a list of power management devices (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT chassis...>”).

13. In reference to claim 11, Champagne teaches the method of claim 10, wherein the power management device list includes an association element to specify a network component associated with the described power management device (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT chassis...>”).

14. In reference to claim 12, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a hub; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a hub section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT port (var-list)>”).

15. In reference to claim 13, Champagne teaches the method of claim 12, wherein the hub section includes a hub section element to describe a hub (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT port (var-list)>”).

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16. In reference to claim 14, Champagne teaches the method of claim 13, wherein the hub section element includes a data element having an association element to specify network components associated with the described hub (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT port (var-list)>”).

17. In reference to claim 15, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a Virtual Local Area Network (VLAN) switch; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a VLAN switch section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”).

18. In reference to claim 16, Champagne teaches the method of claim 15, wherein the VLAN switch section includes a data element to describe the VLAN switch; and a data element to describe a port of the VLAN switch (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”).

19. In reference to claim 17, Champagne teaches the method of claim 16, wherein the data element includes an association element to specify a network component associated with the described port (column 6 lines 38-67, see configuration file in columns 6-7, see at least “<!ELEMENT vlan-list (vlan*)>”).

20. In reference to claim 18, Champagne teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a router; and placing at least a portion of the received description into one of a plurality of sections includes

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placing the received description in a router section of the electronic list of network components (column 6 lines 38-67) .

21. In reference to claim 19, Champagne teaches the method of claim 18, wherein the router section includes a data element to specify a router; and a router interface data element to describe a router interface of the specified router (column 6 lines 38-67).

22. In reference to claims 39-43, claims 39-43 are system claims that correspond to the method claims of 1-19. Therefore, claims 39-43 are rejected based upon the same rationale as the rejections of claims 1-19.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne et al (US Patent No 7,188,160) in view of Gai et al (US Patent No 6,697,360).

25. In reference to claim 20, Champagne teaches the method of claim 1. Champagne fails to explicitly teach wherein receiving the description of the network component includes receiving a description of a Dynamic Host Configuration Protocol (DHCP) server; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a DHCP server section of the electronic list of network components. However Gai teaches wherein configuration information includes a description of DHCP server

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configuration for the purpose of enabling DHCP message communication for device configuration (column 7 lines 60-67 and column 10 lines 43-50). It would have been obvious for one of ordinary skill in the art to modify Champagne wherein receiving the description of the network component includes receiving a description of a Dynamic Host Configuration Protocol (DHCP) server; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a DHCP server section of the electronic list of network components as per the teachings of Gai for the purpose of enabling DHCP message communication for device configuration.

26. In reference to claim 21, Gai teaches the method of claim 20, wherein the DHCP server section includes a DHCP server section element to describe the DHCP server (see Gai, column 9 lines 35-45).

27. In reference to claim 22, Gai teaches the method of claim 21, wherein the DHCP server section element includes a data element to specify the DHCP server; and a DHCP server interface data element to describe an interface of the DHCP server (see Gai, column 9 lines 35-45).

(10) Response to Argument

1. On page 9 of Appeal Brief, Appellant argues that Champagne simply describes saving a configuration and does not teach the claimed “receiving a description of a network component”.

In reply, Appellants claim language is broad and is thus broadly interpreted. Appellant has not specified any details of how the "receiving" is actually performed. Champagne discloses

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saving configuration information into a local memory (column 4 lines 12,13,49,50). This satisfies the “receiving” step because the local memory “receives” the information.

Furthermore the limitation “a description of a network component” is broad. Champagne discloses configuration information of a device which in actuality is a description of how the various components of the device are set up (column 6 lines 38-67).

2. On pages 9-10 of Appeal brief, Appellant argues that Champagne merely discloses an example of a configuration file and does not teach the claimed “placing at least a portion of the received description into... an electronic list of network components... wherein each of the sections corresponds to a capability of a network component...”.

In reply, Champagne discloses saving configuration information (i.e. received description) into a configuration file which contains a list of various sections of elements of a network device (i.e. electronic list of network components) (column 6 lines 41-45). Champagne teaches that each of the sections of elements correspond to a configuration (i.e. capability) of the network device (column 6 lines 38-67).

3. On page 10 of Appeal Brief, Appellant argues that Champagne does not teach dependent claims 2-22 and 40-43.

Appellant’s arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

RMO October 13, 2008

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